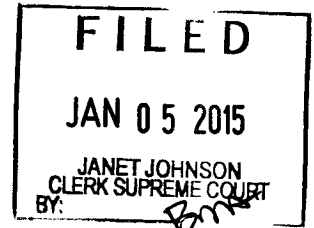


**Report on February Bar Pilot Project Year One:
University of Arizona James E. Rogers College of Law**

September 8, 2014



On December 10, 2012, the Arizona Supreme Court issued an Order amending Rule 34, Rules of the Supreme Court, on an experimental basis, effective January 1, 2013, until December 31, 2015. The amendment allows law students who meet certain criteria to take the Arizona bar examination during February of their third year in law school. In February 2014, the first students took the bar exam pursuant to this amendment.

This report describes the implementation of the experimental program at the James E. Rogers College of Law, and requests that the Court either make the reform permanent or extend the terms of the amendment to Rule 34 for an additional three years. A three-year extension would allow current students and next year's matriculating class to know whether the February Bar option will be available to them.

Background¹

The amendment to Rule 34 was prompted by a request filed by Arizona's three law schools on January 5, 2012. The original proposal was modified based upon a series of questions posed by the Court, as well as the deliberations of a working group of representatives from the law schools, the State Bar, the Arizona Supreme Court Attorney Regulation Advisory Committee (ARC), and Court staff.

Implementation

Twenty-four Arizona Law students opted to take the February bar exam ("Feb bar takers"). We did not impose any requirements beyond those in Rule 34 – i.e., we did not require a minimum GPA (beyond good standing) and we allowed those participating in moot court and Law Review or Journal to opt to take the February bar examination.

In order to accommodate Feb bar takers, we implemented a new spring curriculum focused heavily on experiential learning, and we opened these classes to all upper level students. In designing this curriculum, we formed a large working group led by Professor Susie Salmon and composed of judges, members of the bar ranging from big firm lawyers to sole practitioners to government lawyers, faculty, and students.

Feb bar takers had several options for the January/February timeframe, when they were limited to a maximum of 2 units. We encouraged them to enroll in a new 2-unit course, *Pre-Bar Professional Skills Study*, designed by Professor Rob Williams. The course was designed to improve student chances for success on the bar examination, provide a path to the post-February bar experiential learning curriculum, and offer a head start on developing the fundamental skills needed for success in practice.

The course began with a detailed individualized diagnostic assessment, designed in cooperation with one of the large commercial bar prep providers. The assessment identified substantive and

¹ For more background, see *The 3L February Bar Exam: An Experiment Under Way in Arizona*, The Bar Examiner, Vol. 82, No. 3, September 2013, http://www.ncbex.org/assets/media_files/Bar-Examiner/articles/2013/820313RiderMiller.pdf.

procedural strengths and weakness for each student. Professor Williams met individually with each student in order to review their assessments and to develop a plan for bar study and professional development. The course then focused on writing, analysis, test-taking skills, and practical skills training in core substantive areas.

Twenty of the Feb bar takers opted to take the Professional Skills Study course. Others took 2 units of moot court, advanced trial advocacy, or Law Review/Journal.

We encouraged all Feb bar takers to take a commercial bar prep course, and we obtained a number of scholarships for students who might otherwise not have been able to afford such a course.

After the administration of the bar exam, we offered a menu of 8-week courses that included a heavy focus on experiential learning. These courses included *Advanced Professionalism and Law Practice*, *Trial Advocacy*, *Negotiation and Mediation Advocacy*, *Trade Secrets*, *Transactional Practice*, *Advanced Family Law Practice*, *Corporate Governance*, *IP Transactional Drafting*, *White Collar Crime: Ethics and Compliance*, and a number of government and corporate externships.

We found that the Feb bar takers were on the whole very engaged in their post-bar classes. Far from “checking out,” we found that the students were energized and focused. Some of them said that they felt much closer to being a member of the profession, which matched well with the experiential focus of the curriculum.

Student Outcomes

Bar Exam. Of the 37 third-year students in Arizona who sat for the February 2014 bar examination, 33 passed, for a pass rate of 89% -- compared to an overall pass rate of 65%. Moreover, the top score on the exam was achieved by one of these 37 students. Arizona Law had 24 students take the exam; 20 passed (83% pass rate) and one achieved the top score. ASU had 12 takers, all of whom passed, and we understand that Arizona Summit had one taker who passed.

Employment.

Several Arizona Law students reported that taking and passing the February bar examination immediately improved their job prospects. One student said he had not obtained any interviews prior to passing the bar; upon informing potential employers that he had passed the bar exam, he received several interviews and a job offer within a week. Another reported that she got her dream job as soon as she informed her future employer that she had passed the bar exam.

- One student was offered a judicial clerkship shortly after the bar results were released. He noted: “You don’t need to pass the bar in order to work as a clerk here, but I believe the fact that I had passed the bar made me more competitive. Passing meant that I was able to start immediately, which a number of judges desired, and I did not need to ask for accommodations while working in order to study. . . I sincerely hope that the Court continues to allow students to take the bar early.”
- Another noted that the other new grads hired along with her could only work part of the week because of their bar studies, while she was able “to stay on the rest of the summer and get a jump start on learning the ropes....”
- Another noted that she accepted a judicial clerkship that begins in late July, and now has “the unexpected opportunity to enjoy two months of freedom before the rigors of life as an attorney set in and spend some time with the people I was forced to neglect these last 3 years. . . . If I

had to go back I would do it again and again and I recommend it to anyone in the 2015 class and beyond, should it be approved I truly hope this becomes a permanent measure.”

- One student noted the positive effect on his employment – a part-time job that turned into a full-time job because he had been admitted to the bar. He also explained that he did not have to take out any loans in order to study for the bar, and has been able to begin making loan payments on his student loans immediately. He has recommended the February bar to most of the 1Ls and 2Ls he knows.

Other Considerations.

Arizona Law students who opted to take the February bar examination had myriad reasons. One student was expecting his second child in mid-May and planned to spend the summer as a stay-at-home dad. Another student wanted to spend the summer with her children before beginning a job in September. Another student realized that “having an open summer would give me time to establish my involvement with some community organizations before beginning work.” She will start at a firm in the fall, but plans to work over the summer with the Volunteer Lawyers Program of Phoenix, with a Phoenix legal aid organization, and as a mentor to rising high school seniors as they assemble their college applications. A few students intend to practice in Arizona and other non-UBE states, and so planned to take other bar exams in July.

Lessons Learned

Although we encouraged, emphasized, and cajoled students to complete and turn in their character and fitness materials early in the process, we learned after the administration of the exam that several of our students had not timely turned in their character and fitness materials. Although there may be reasons for an applicant not to complete the character and fitness materials – e.g., if they want a UBE score but do not plan to be admitted in Arizona – for the next administration of the exam, we will internally track whether and when our students complete and turn in their character and fitness materials.

Because of the extremely useful results of the individualized student assessments described above, beginning in fall 2014 we will make this assessment available to all 3Ls.

Evaluation

From our point of view, the initial year of the February Bar Pilot Project was very successful. The students who took the February bar exam have all reported a very positive experience, and have recommended it to their rising 3L classmates. The students remained engaged throughout their final semester of classes. The bar passage rate was excellent. There is a great deal of excitement among rising 3Ls who want to sit for the February bar exam.

At the same time, we have rising 2Ls and incoming 1Ls who want to know whether this option will be available to them. The current experimental modification of Rule 34 does not apply to the current second or first year students. They are trying to plan ahead in order to take maximum advantage of the curricular opportunities available to them. They are also making choices in order to meet the requirements of Rule 34 so that, if the February bar is available to them, they will be able to take the exam.

We hope the Court will agree that the pilot should be extended, at least long enough to include current students so that they have some certainty, and applicants for next fall, so that we can share with the Court a fuller sense of how interested the best prospective law students are in the February bar opportunity.

We have also heard from lawyers and law professors in several other states wishing to implement a February Bar option. Ironically, Georgia – the last state to have a February bar option – is one of them, along with Maryland and Missouri. As has been widely reported, the Chief Judge of New York has announced a February bar option for 3L students in New York schools if the students commit to spend their final semester doing pro bono work.

Recommendation

For planning purposes and to give fair notice to students, we ask that the Court either make the February bar option permanent or extend the February Bar pilot for an additional three years, through the February 2018 administration of the bar exam. We will be happy to track and report on any data the Court believes would be useful during this extended time period.